

December 17, 2024

INTEGRITY COMMISSIONERS (IC) QUALIFICATIONS AND CONSIDERATIONS

IC Qualifications for English Public School Boards

[Ontario Regulation 306/24](#) Integrity Commissioners and Process for Alleged Breaches of The Code of Conduct provides a *minimum* list of qualifications for each public system. For OPSBA members this includes:

- (a) the person has a total of at least three-years experience working as an integrity commissioner, a judicial or quasi-judicial adjudicator, an investigator or in a similar role in a legal context;
- (b) in working in the role or roles mentioned in clause (a), the person applied professional ethics rules and the principles of natural justice and fairness; and
- (c) the person demonstrates understanding of the rights set out in section 23 of the *Canadian Charter of Rights and Freedoms* and section 93 of the *Constitution Act, 1867*.

Additional IC Qualification Considerations

When originally consulted, OPSBA suggested several other credentials and skills that boards may also want to consider when retaining an IC. These included:

- Knowledge of the *Municipal Elections Act*
- Knowledge of school board governance (not simply municipal governance)
- Understanding of differences between operational issues, governance issues, and what constitutes a Code of Conduct breach
- Understanding of the *Ontario Human Rights Code* grounds (Age, Ancestry, colour, race, Citizenship, Ethnic origin, Place of origin, Creed, Disability, Family status, Marital status [including single status], Gender identity, Gender expression, Sexual orientation)
- Understanding of anti-racism and anti-oppression principles and frameworks
- Ability to produce a report of the finding of facts that is neutral and does not include personal opinion or hearsay
- Ability to disseminate information in a way that is accessible to all parties and meets *Accessibility for Ontarians with Disabilities Act* standards (i.e. accessible formats and communication supports)

Further Reminders for ICs

- Their investigative process needs to be procedurally and administratively fair to all parties and clearly state which actions are conducted publicly and which are done privately (in-camera).
- They should approach their investigative work and ensure sanctions are culturally responsive, such as when sanctions are to be imposed on Indigenous Trustees who are appointed by their First Nation Community.
- That remedial measures be included in sanctions to positively correct inappropriate behaviour.

****NOTE: If the Ministry of Education does not create a roster of Integrity Commissioners, boards should consider creating a list of potential ICs should a need arise. OPSBA suggests contacting the OESC for assistance in identifying experienced individuals.***